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Nicole M. Butz
Nicole M. Brevitz

Date: 10/10/2011IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Steffen	Art Unit:	3671
Serial No.:	09/889,183	Examiner:	Addie
Filed:	July 10, 2001	Confirmation No.	8529
For:	<i>Soil Compactor with Power Steering</i>	Customer No.:	23598

RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Renewed Petition is being filed in response to the Decision on the Petition for Revival Under 37. CFR 1.137(b), dated October 4, 2011, wherein the original Petition of September 6, 2011 was dismissed without prejudice as failing to satisfy all of the requirements for a grantable petition. Specifically, the Commissioner dismissed the original Petition on the grounds that the RCE submitted with said Petition was not signed.

As an initial matter, Petitioner hereby incorporates all statements made in the original Petition by reference and reaffirms all statements made therein. Most notably, Petitioner hereby reaffirms that the entire delay, from that initial date of abandonment (i.e., the due date for the reply) until the filing of this Renewed Petition and the accompanying papers, was unintentional.

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Renewed Petition Under 37 CFR 1.373(b)
U.S. Serial No. 09/899,183 to Steffen
Page 2

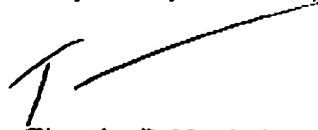
Petitioner has reviewed his records and confirmed that the RCE *was* signed. However, he has now learned that one page of the transmitted packet, apparently the page bearing the RCE signature, was not properly transmitted by facsimile. A complete copy of the signed RCE is enclosed, along with another copy of the documents submitted with the originally submitted, unsigned RCE.

In light of the foregoing, Petitioner submits that he has complied with all requirements of 37 CFR 1.373 (b). Grant of this Renewed Petition, reinstatement of the application, entry and consideration of the papers attached to this Renewed Petition, and allowance of the application are believed to be in order and are respectfully requested.

No fee is believed to be payable with this communication. Nevertheless, should the Petitions Examiner consider any fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

Should there be any remaining matters the attending to of which would expedite such action, the Petitions Examiner is requested to contact the undersigned at the telephone number appearing below.

Respectfully submitted,



Timothy E. Newholm
Registration No. 34,400

Dated: October 10, 2011

Customer Account No.: 23598
Boyle Fredrickson, S.C.
840 North Plankinton Avenue
Milwaukee, WI 53203
Telephone: (414) 225-9755
Facsimile: (414) 225-9753

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Review by the Office of Petitions

Under the Paperwork

Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

72,049

First named inventor: Steffen

Application No.: 09/889,183

Art Unit: 3671

Filed: July 10, 2001

Examiner: Addie

Title: Soil Compactor with Power Steering

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity-fee \$ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of RCE, Amendment, and Declaration (Identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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
3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Timothy E. Newholm/ 
Signature

September 6, 2011

Date

34,400

Type or Printed name

Registration Number, If applicable

840 North Plankinton Avenue

(414) 225-9755

Address

Telephone Number

Milwaukee, WI 53203

Address

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Request for Continued Examination

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

September 6, 2011

Date


Signature

Nicole Brevitz

Typed or printed name of person signing certificate

(Page 2 of 2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Steffen	Art Unit:	3671
Serial No.:	09/889,183	Examiner:	Addie
Filed:	July 10, 2001	Confirmation No.	8529
For:	<i>Soil Compactor with Power Steering</i>	Customer No.:	23598

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Mail Stop Petition
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

This Statement is submitted under cover of a PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), submitted herewith.

A Final Office Action was issued in the above-captioned application on March 21, 2003. Applicant responded to the Final Office Action on June 18, 2003. An Advisory Action was subsequently mailed on July 15, 2003. Applicant unintentionally failed to respond to the Advisory Action, file a Request for Continued Examination (RCE), or file a Notice of Appeal. The application therefore was abandoned no later than September 21, 2003. An RCE and accompanying papers are filed herewith. The entire delay, from that initial date of abandonment until the filing of the attached Petition and the accompanying papers, was unintentional.

Applicant understands that the Office typically requires further information in explanation of the unintentional nature of the delay if the period between the date of abandonment or and the filing of a petition to revive exceeds an unofficial benchmark of 24 months from the date of abandonment. Since the period of abandonment in the present application exceeds that benchmark, Applicant will now provide the following information.

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Statement Establishing Unintentional Delay
U.S. Application Ser. No. 09/889,183; Filed July 10, 2001
Page -2-

As indicated above, the application went abandoned on September 21, 2003 because Applicant unintentionally failed to respond to the Advisory Action mailed July 15, 2003. Applicant's undersigned representative learned of the abandonment on or about October 15, 2003 (before the formal Notice of Abandonment was even mailed) and reported the abandonment to the Applicant via a letter dated October 20, 2003. That letter was accompanied by a draft response and partial a draft of a declaration to be filed under an RCE accompanying a Petition to Revive. The October 20, 2003 letter also requested information required to complete the draft declaration and the response. Applicant responded on December 10, 2003 with some of the information requested in the October 20, 2003 letter. Applicant's representative replied via a letter of December 19, 2003 requesting additional information. Applicant responded via a letter dated December 22, 2003.

The December 23, 2003 letter, which was transmitted by facsimile, was received by Applicant's representative's Firm, but was never matched with the file. Meanwhile, the Firm's docketing system removed this file from its dockets due the receipt of the Notice of Abandonment, dated November 3, 2003. Since it did not hear anything else from its representative on the subject, Applicant erroneously believed that this Petition and the accompanying papers had been filed with the USPTO. For his part, in the absence of receiving any reminders from the Firm's docketing system, Applicant's representative appears to have simply forgotten about this file in the crush of other business.

The errors and resultant unintentionally continued delay in reviving the application went undetected by either Applicant or Applicant's representative until August, 2011. Specifically, on August 16, 2011, Applicant's representative sent Applicant a schedule of all applications and patents assigned to it for the purposes of assigning those applications to a newly-formed subsidiary. In a reply dated August 30, 2011, Applicant noted that the present application was not on that schedule

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U.S. Court
Page -3-


1 Delay
Filed July 10, 2001

and requested that it be added. Applicant's representative then checked his files and realized that the Petition to Revive had never been filed. Upon being advised of this fact by Applicant's representative, Applicant confirmed that it never intended to abandon the application and that its intention to revive the application still remains in effect.

All of the documents referenced above are available for consideration by the Office upon request. However, since some of these documents contain proprietary information and/or information unrelated to this application, the Office is respectfully requested to rely upon Applicant's duty of candor and good faith and accept the statement of unintentional delay and the accompanying additional explanation at face value. Applicant's representative acknowledges in this regard that, in fulfillment of his obligations under 37 CFR § 10.18, he has inquired into the underlying facts and circumstances and that he can attest to the veracity of the statements contained herein.

The Office is entitled to contact the undersigned with any questions or requests for additional information or documentation.

Respectfully submitted,


Timothy E. Newholm
Registration No. 34,400

Dated: September 6, 2011

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